

REMARKS

The Official Action dated February 12, 2004 in this Application has been carefully considered and the above amendments and following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1-6, 10-15 and 19-24 have been amended. Claims 25-28 have been added. Reconsideration and allowance are respectfully requested in light of the foregoing amendments and the following remarks.

Rejection of Claims 1-24 under 35 U.S.C. 112, Second Paragraph

The Examiner has rejected Claims 1-24 under 35 U.S.C. 112, second paragraph, on the asserted basis that the language of the claims is indefinite. In particular, the Examiner contends that the language “a substantially hollow body portion displacing an exterior displacement and having walls forming an interior cavity having an internal surface and an interior volume that, prior to placement of any material in the interior cavity, comprises the major portion of said exterior displacement” is unclear. The Examiner has suggested amending this language to a golf club head comprising “a relatively thin shell comprising a plurality of relatively thin shell pieces comprising a crown portion, a face portion, a sole portion and a wall portion that collectively form a hollow body with a substantially empty or voided cavity.”

Although the Applicant regards the present language as clear, in deference to the Examiner, the Applicant has amended Claims 1, 10 and 19 using language similar, but not identical, to the language suggested by the Examiner. In particular, Claims 1, 10 and 19 have been amended to recite a golf club head comprising “a relatively thin shell comprising a plurality of walls that collectively form a hollow body with a substantially empty or voided cavity” where the objected to language, or language similar to the objected language, is found. Accordingly, it is respectfully submitted that the amended language resolves the questions of indefiniteness made by the Examiner.

These amendments are not believed to reduce the scope of the claims and are not made for purposes of patentability, since the previous language of the claims was also believed to meet the requirements of 35 U.S.C. 112, second paragraph.

Rejection of Claims 1-24 under 35 U.S.C. 112, First Paragraph

The Examiner has rejected Claims 1-24 under 35 U.S.C. 112, first paragraph, on the asserted

basis that the claims fail to comply with the written description requirement. Specifically, the Examiner contends that the language “substantially hollow body portion displacing an exterior displacement and having walls forming an interior cavity having an internal surface and an interior volume that, prior to placement of any material in the interior cavity, comprises the major portion of said exterior displacement” in Claims 1, 10 and 19 is new matter.

As pointed out above, in deference to the Examiner, the Applicant has amended Claims 1, 10 and 19 in a manner similar to the language suggested by the Examiner, that is, a “golf club head comprising a relatively thin shell comprising a plurality of walls that collectively form a hollow body with a substantially empty or voided cavity” in those locations where the objected to language, or language similar to the objected language, is found. Accordingly, it is respectfully submitted that Claims 1, 10 and 19 do not recite new matter and reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Accordingly, these claims meet the requirements of 35 U.S.C. 112, first paragraph, in all respects.

Although the claims have been amended, it is respectfully pointed out that the foregoing amendments are made to facilitate allowance of the application, not for purposes of patentability. It is Applicant’s position that the prior claims also met the requirements of 35 U.S.C. 112, first and second paragraphs, and no reduction in claim scope is intended.

Rejection of Claims 1-24 Under 35 U.S.C. 102(b)

The Examiner has rejected claims 1-24 over under 35 U.S.C. 102(b) as assertedly being anticipated by one or more of Wakita, Takeda, MacIntyre, Sun, Churchward, Mills or Heald. In response, Applicant has amended independent Claims 1, 10 and 19, *inter alia*, to recite “a plurality of weights readily repositionably secured to said shell of said club head at readily accessible spaced-apart locations along the walls of the shell to adjust the center of gravity of the golf club head, at least one of said weights being securable in a location that is substantially non-co-linear with the others of said weights to permit adjustment of the center of gravity of the golf club head in at least two axes.” As amended, independent Claims 1, 10 and 19 clearly distinguish over the prior art of record.

Wakita discloses a golf club head having a single weight inside the shell which, since the sole closure 19 is welded shut, is not “readily accessible.” (See, Wakita Fig. 4). Similarly, the single weight 26 in Takeda is “fixed” by such relatively permanent means as “pressing using a press, welding, screwing or clamping between the head body 16 and the cover 17.” (Takeda, col.5, lines

37-39). Furthermore, Takeda's cover 17 is joined to the head body 16 by pressing, which causes "plastic deformation" of the protrusion 35 of the head body 16 (Takeda, col. 6, lines 1-2) the weight 26 inside is neither "readily accessible" nor "readily repositionable," as required by Claims 1, 10 and 19 of the present application.

MacIntyre discloses a substantially solid putter having a plurality of recesses substantially in a line parallel to the club face and having flat weights that can be stacked in the recesses. It is respectfully pointed out that MacIntyre's head is substantially solid (subject to having the recesses), rather than having a "relatively thin shell," as defined in Claims 1, 10, and 19 of the present application. Furthermore, although MacIntyre discloses a plurality of readily accessible weights, these weights are not secured to said shell of said club head at readily accessible spaced-apart locations along the walls of the shell, at least one of said weights being securable in a location that is substantially non-co-linear with the others of said weights to permit adjustment of the center of gravity of the golf club head in at least two axes," as defined in Claims 1, 10 and 19 of the present application. Instead, the only locations the weights can be placed are in recesses that are all aligned and co-linear with each other

The Examiner has also cited Sun, Churchward, Mills and Held to reject one or more of Claims 1-24 as assertedly being anticipated under 35 U.S.C. 102 (b). In particularly, the Examiner has rejected Claims 1, 2, 4, 8, 10, 13, 17, 19 and 21 as assertedly being anticipated under 35 U.S.C. 102 (b) by Sun; Claims 1, 2, 5, 8, 10, 14, 17, 19 and 21 by Churchward; Claims 1, 2, 6, 9, 10, 11, 12, 15 and 18-22 by Mills; and Claims 1-4, 7, 10-13, 16, 19 and 21-24 by Held, for the reasons stated in the Official Action dated November 1, 2002. The Examiner's asserted basis for the rejection of these claims over these references is that, in view of the Examiner's prior rejection of the claims as assertedly indefinite under 35 U.S.C. 112, first and second paragraphs, the claims were still being considered with only the limitations originally set forth upon filing. However, in view of the amendments to Claims 1, 10, and 19 discussed above with respect to the rejections under 35 U.S.C. 112, first and second paragraphs, the claims as now amended fully comply with under 35 U.S.C. 112, first and second paragraphs. Accordingly, for the reasons stated by Applicant in his May 1, 2003 response to the November 1, 2002 Official Action, and the remarks included by Applicant in his January 5, 2004 Request for Continued Examination, it is respectfully submitted that independent Claims 1, 10 and 19 also clearly distinguish over Sun, Churchward, Mills and Held.

Claims 2-9, 11-18, and 20-24 are dependent, respectively, on independent Claims 1, 10 or 19

and are submitted to be allowable for all of the reasons stated above with respect to the allowability of Claims 1, 10 and 19. In addition, for Claim 20, in particular, it is respectfully submitted that none of the prior art of record discloses or suggests use of weights that comprise “at least one strip of lead tape adhesively secured to the inside surface of the shell inside the cavity at a position other than the center of gravity of the golf club head,” as required by Claim 20. Accordingly, it is respectfully submitted that Claim 20 is allowable over the prior art of record for this reason as well.

New Claims 25-28 have been added. These claims are each dependent upon Claim 1 and are submitted to be allowable for all of the reasons stated above with respect to Claim 1.

For the foregoing reasons, as well as the reasons stated in Applicant’s Amendment dated May 1, 2003 and Applicant’s January 5, 2004 Request for Continued Examination, it is respectfully submitted that the invention defined by Claims 1-28 is neither anticipated by, nor obvious in view of the prior art of record. Accordingly withdrawal of the rejections of Claims 1-24 claims under 35 U.S.C. 102(b) and full allowance of Claims 1-28 are believed in order and is courteously solicited.

Prior Art Not Applied to Claims

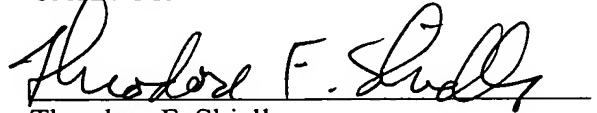
The prior art made of record and not applied to the claims has also been considered. However, none of this art discloses or suggests a golf club head as defined by Claims 1-28. Accordingly, it is respectfully submitted that none of this art, alone or in any combination with any of the art of record, anticipates or renders obvious the invention defined by Claims 1-28.

For the foregoing reasons, it is respectfully submitted that Claims 1-28 are in condition for full allowance and such is courteously solicited.

Please charge the fee of \$36.00 for four additional claims and the fee of \$210.00 for a two months extension of time for a small entity, and any other additional fees incurred by reason of this amendment, to our Deposit Account No. 50-0605 of CARR LLP.

Respectfully submitted,

CARR LLP

A handwritten signature in black ink, appearing to read "Theodore F. Shiells", written over a horizontal line.

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